

REMARKS

This Response is in reply to the Office Action mailed on May 23, 2005. The Applicants appreciate the Examiner's indication that claims 2-4 and 6-12 recite allowable subject matter. Claims 5, 6, 19 and 20 have been amended. Claims 21 and 22 have been added. Claims 1-22 are pending herein. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

Specification

The abstract was objected to because it contains more than 150 words. Accordingly, the abstract has been amended to correct the length. Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 USC §112

Claims 19-20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite to for failing to point out the subject matter. Specifically, the Examiner stated that "the apertures" in claims 19 and 20 lack sufficient antecedent basis. Claims 19 and 20 have been amended to recite the correct antecedent basis. Additionally, claim 6 has been amended to recite the correct antecedent basis. The Applicants therefore respectfully request that the rejections be withdrawn.

Claim Rejections - 35 USC §103(a)

Claims 1, 5 and 13-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Burch in view of Orendorff et al. This rejection is respectfully traversed.

Applicants' invention claims a dispenser for dispensing materials, comprising: a container for holding the material to be dispensed; a plurality of frame portions for holding decorative items; locking means for locking said frame portions to the container; and a dispensing means for dispensing said materials from said container.

In contrast, Burch teaches a wall mounted aquarium for observing fish. Burch does not teach or suggest a dispenser for dispensing materials as specifically recited in the claims.

Nor does Orendorff teach or suggest a dispenser for dispensing materials. Orendorff teaches a wall mounted aquarium having a drain plug.

None of the references teach or suggest, alone or in combination, the features of claim 1. The aquariums of Burch and Orendorff are in no way related to the dispenser of the present invention. Also, the Examiner cites no motivation or suggestion to combine the cited references to reach the claimed invention and it is not clear how the combination is related to Applicants' invention. Therefore, absent some motivation, one of ordinary skill would not combine the cited references. Furthermore, the Applicants submit that even if the references were combined, the result would not be Applicants' invention.

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Furthermore, since claims 5 and 13-20 depend from independent claim 1, and for the reasons

stated above, these claims are allowable as well. It is therefore respectfully requested that the rejection of the claims under 35 U.S.C. §103(a) be withdrawn.

New Claims

New claim 21 has been added to claim the features of a dispenser comprising a bottle and a frame apparatus coupled to the bottle. New claim 22 has been added to claim the features of a dispenser comprising a bottle, a frame apparatus coupled to the bottle and a memory device for playing sounds. New claims 21 and 22 are patentable over the cited references for the same reasons as stated above. Furthermore, new claims 21 and 22 recite the feature of a bottle which is neither taught or suggested by the cited references. New claim 22 also recites the feature of a memory device which was indicated as allowable subject matter by the Examiner. It is submitted that new claims 21 and 22 are essentially commensurate in scope with the present claims and no new matter has been added.

Conclusion

In view of the amendments to claims made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This response is being timely filed. In the event that any other fees are required for the entry of this Response, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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